

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

OP.No. 2472 of 2003(T)

PETITIONER:

C.VIJAYAMOHANAN NAIR,
S/O. CHELLAPPAN PILLAI, AGED 45,
VEESHUPALATHUNDIL VEEDU, PADINJATTINKARA MURI,
KOTTARAKKARA VILLAGE, KOTTARAKKARA TALUK,
KOLLAM DISTRICT.

BY ADV. SRI.K.K.JOHN

RESPONDENTS:

1. STATE OF KERALA,
REPRESENTED BY SECRETARY TO GOVERNMENT,
DEPARTMENT OF REVENUE, GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM.
2. THE COMMISSIONER OF LAND REVENUE,
THIRUVANANTHAPURAM.
3. REVENUE DIVISIONAL OFFICER,
SUB COLLECTOR, KOLLAM.
4. DEPUTY DIRECTOR, PANCHAYATHS,
CIVIL STATION, KOLLAM.
5. KOTTARAKKARA GRAMA PANCHAYATH,
REPRESENTED BY ITS SECRETARY.
6. P.HARIDAS, S/O.PARAMESWARAN NAIR,
MARANGATTU HOUSE, PADINJATTINKARA MURI,
KOTTARAKKARA VILLAGE.
7. RADHAKRISHNAN NAIR, S/O. VELU PILLAI,
KAYAMKULATH VEEDU, PADINJATTINKARA MURI,
KOTTARAKKARA VILLAGE.

BY ADV. SRI.V.N.ACHUTHA KURUP

R5 BY ADV. SRI.C.J.JOY

SRI.V.J.JAMES

SRI.V.K.PRAVEEN

R1 TO R4 BY GOVERNMENT PLEADER SMT. SMITHA

R6 BY ADV. SMT..BINDU SREEKUMAR

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD
ON 14/03/2007 THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

ORDER ON CMP 4472 OF 2003 IN OP 2472 OF 2003

DISMISSED

14.3.2007

SD/-C.N.RAMACHANDRAN NAIR, JUDGE.

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 TRUE COPY OF DOCUMENT NO. 1477/98 DATED 30.4.98 OF KOTTARAKKARA SUB
REGISTRY.

EXT.P2 TRUE COPY OF DOCUMENT NO. 1137/98 DATED 2.4.98 OF KOTTARAKKARA SUB
REGISTRY.

EXT.P3 TRUE COPY OF ORDER NO. A 3070/2001 DATED 27.5.2001 OF THE THIRD
RESPONDENT.

EXT.P4 TRUE COPY OF THE LETTER NO. A.4146/01 DATED 6.6.2001 OF THE THIRD
RESPONDENT.

EXT.P5 TRUE COPY OF THE ORDER NO. A.3070/01 K.DIS. DATED 14.7.2001 OF THE 3RD
RESPONDENT.

EXT.P6 TRUE COPY OF THE APPEAL MEMORANDUM DATED 3.8.2001 OF THE PETITIONER.

EXT.P7 TRUE COPY OF STAY PETITION DATED 3.8.2001 OF THE PETITIONER.

EXT.P8 TRUE COPY OF PROCEEDINGS OF THE 2ND RESPONDENT NO. LR(A)
4.30226/2001/D.DIS. DATED 7.9.2001

EXT.P9 TRUE COPY OF JUDGMENT DATED 4.2.2002 IN OP NO. 25836 OF 2001 (A) OF THIS
HON'BLE COURT.

EXT.P10 TRUE COPY OF ORDER NO. A-3070/01 DATED 16.11.2002 OF THE THIRD
RESPONDENT.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S. TO JUDGE.

C.N.RAMACHANDRAN NAIR,J.

O.P. NO. 2472 OF 2003

Dated this the 14th day of March, 2007

JUDGMENT

Petitioner is challenging ext.P10 order whereunder the RDO has refused to entertain petition alleging violation of Land Utilisation Order by sixth respondent. I heard counsel for the petitioner and counsel appearing for the 6th respondent. It is seen that when the property was purchased by the sixth respondent from 7th respondent it was already filled up land and purchase of land took place nearly nine years back. Sixth respondent constructed a house in the said property which is 11.5 cents of land converted by the predecessor-in-interest. I do not find any bona fide in the challenge against the construction of house by the 6th respondent in the property purchased by him. O.P. is devoid of any merit and is dismissed.

(C.N.RAMACHANDRAN NAIR)
Judge

